

B6
Contd
said viscosity-increasing component includes talloweth-60-myristyl glycol.

46. (Amended) A method as defined in claim 30, wherein said surfactant of said viscosity-increasing component includes talloweth-60-myristyl glycol.

REMARKS

Favorable reconsideration and allowance of the present application is respectfully requested.

Claims 1-4, 7-17, 19-22, 24-27, 29-40, and 42-46 are currently pending in the present application, including independent claims 1, 22, and 30. Independent claim 1, for instance, is directed to an absorbent paper product for drying and conditioning the skin of a user. The paper product includes a paper web that is applied with a water-soluble lotion such that the add-on level of the lotion is between about 1% to about 10% by weight of the paper product. The lotion comprises water in an amount between about 10% to about 90% by weight of the lotion composition, a water-soluble skin conditioning component in an amount between about 10% to about 75% by weight of the lotion composition, and a viscosity-increasing component in an amount between about 2% to about 10% by weight of the lotion composition.

In the Office Action, original claims 1-6, 11, 13, 14-23, 26-36, 38-41 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of copending Application No. 09/717,939 entitled "Paper Products with Oil-in-Water Emulsions." Without commenting on the propriety of this rejection, Applicants agrees to submit a terminal disclaimer at such time that the claims of the present application are deemed to otherwise be

allowable.

Further, original claims 1-43 were also rejected under 35 U.S.C. §112, second paragraph, as being indefinite on eight (8) different grounds. Applicants respectfully submit, however, for at least the reasons set forth below, the claims clearly and particularly set forth the invention and thus satisfy all the requirements of §112.

1. The phrase "add-on level" of original claims 1, 19, 22, 29-30, and 42 was objected to as being vague. As noted in Applicants' previous response, this phrase is expressly defined in the specification as follows:

The weight of a paper product treated with the lotion composition subtracted by the weight of the paper product prior to treatment, wherein this calculated weight is divided by the weight of the treated paper product and multiplied by 100. (Appl. pg. 16, lines 25-29).

Thus, for instance, assuming that the weight of a treated paper product is 1 gram, and the weight of the paper product prior to treatment is 0.9 grams, the "add-on level" would be calculated as follows:

$$\begin{aligned} &= \frac{1 \text{ g} - 0.9 \text{ g}}{1 \text{ g}} \times 100\% \\ &= 10\% \end{aligned}$$

The term is also well known to one of ordinary skill in the art.

OK 2. The term "viscosity modifier" was also objected to in original claims 1, 11-12, 22, 30, and 36-37 as being a relative term that renders the claims indefinite.

Although Applicants believe that such language is indeed clear and definite, these claims have nonetheless been amended to refer to a "viscosity-increasing" component. The specification provides more than an adequate description of this term, noting, for

instance, that viscosity modifiers can be used to increase the viscosity of (i.e., thicken) the water-soluble lotion such that it can be better retained on the surface of the paper product. (Appl. pg. 8).

3. The phrase "liquid coupling component" was also objected to in original claims 1, 13, 22, 30, and 38 as being vague and indefinite. As noted above, this language has been deleted from claims 1, 22, and 30. Moreover, although Applicants believe that such language is in fact clear and definite, claims 13 and 38 have nonetheless been amended to require a surfactant that inhibits the lotion composition from separating into more than one liquid phase. Multiple examples of such surfactants are provided at pages 9-11 of the specification.

4. The phrase "said paper product being selected from the group consisting of towels, wipes, and napkins" in claim 1 was objected to as being vague and indefinite. Specifically, it was asked, "how can the paper product be a towel, a wipe or napkin, and be a composition." Applicants note that the claim clearly recites that the "paper product" may be a towel, a wipe, or a napkin. Regardless of the form of the paper product (e.g., towel, wipe, or napkin), it comprises a paper web and a lotion composition. This language is clear and definite.

5. The phrase "said water-soluble skin conditioning component including glycerin" was objected to in claims 1, 22, and 30 as being vague and indefinite. As repeatedly emphasized and expressly set forth in the present application, the term "component" is used to characterize a class of materials, whether one or more of such materials are present within the lotion composition. For instance, a "water-soluble skin

conditioning component” refers to the class of materials within the lotion composition that are water-soluble skin conditioners. More than one of these skin conditioners may be present. For example, this “component” may include glycerin (e.g., claim 1), and may also include one or more additional water-soluble skin conditioners, such as propylene glycol or sorbitol (e.g., claim 4).

6. The phrase “said viscosity modifier component including a surfactant” was objected to in claims 1, 22, and 30 as being vague and indefinite. Again, as set forth above, the term “component” is used to characterize a class of materials, whether one or more of such materials are present within the lotion composition. For instance, a “viscosity-increasing component” refers to the class of materials within the lotion composition that are used to enhance viscosity. More than one of these materials may be present. For example, this “component” may include only a surfactant, or may include a surfactant in conjunction with other known viscosity enhancers.

7. The phrases “water-soluble skin conditioning component”, “viscosity modifier component”, and “liquid-coupling component” were object to as being vague and indefinite because it is not clear whether such terms refer to a single component or mixture of components. As noted above, however, it is clear that the term “component” refers to a particular class of materials, and may include a single material within the relevant class or a mixture of such materials.

8. Finally, claim 22 was objected to as being vague and indefinite for reciting an unclear percent weight range. In response, claim 22 has been amended as set forth above.

Besides the above-mentioned rejections, independent claims 1 and 22 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,207,596 to Rourke, et al. Rourke, et al. is directed to a premoistened wipe capable of inhibiting deleterious fecal microorganisms. The premoistened wipe is made by wetting the dry substrate with about 0.5 gram to about 8 grams of liquid per gram of fiber in the substrate and preferably from about 1 grams to 6 grams of liquid per gram of dry fiber in the substrate. (Col 5, lines 63-67). Thus, the "add-on level" of the wipes in Rourke, et al., when calculated according to the definition set forth in the present application, is believed to be from about 50% to about 800%, and preferably from about 100% to 600%.

To the contrary, the "add-on level" required in the present claims is from about 1% to about 10%. As noted in Applicants' previous response, it has been discovered that the particular selection of the above-mentioned ingredients utilized in the lotion can provide a synergistic effect when applied to a paper product at a certain add-on level (e.g., between about 1% to about 10% by weight of the paper product). (See e.g., Appl. pg. 3). As a result of the claimed combination of components and add-on level, the resulting paper product can remain absorbent while simultaneously imparting certain benefits to the skin, such as inhibiting microbial growth, skin disease, and excessive skin dryness. (Appl. pg. 3). Rourke, et al. simply fails to teach the combination of the present claims.

Nevertheless, it was stated in the Office Action that it would have been obvious to discover the optimum or workable ranges of the add-on level. However, Applicants

respectfully submit that one of ordinary skill in the art would certainly not find it obvious to modify the add-on levels of Rourke, et al. in an attempt to achieve the limitations of independent claims 1 and 22. In particular, such a modification would clearly be against the teaching of Rourke, et al. and would ultimately frustrate its purpose. For instance, Rourke, et al. is directed to a premoistened wiper that requires a high add-on level to achieve a certain degree of wetting, such as of a perineal area, to remove fecal matter and urine. If the add-on level were decreased to the low levels set forth in claims 1 and 22, the entire "wetting" feature of the premoistened wipe would be defeated. Thus, for at least these reasons, Applicants respectfully submit that independent claims 1 and 22 patentably define over Rourke, et al.

Various other references were also combined with Rourke, et al. in the Office Action as reciting additional features of independent claims 1, 22, and 30, namely U.S. Patent No. 5,728,389 to Sebillote-Arnaud; U.S. Patent No. 6,017,417 to Wendt, et al.; and WO 99/41068 to Vlasbom. However, at least for the reasons set forth above, Applicants respectfully submit that one of ordinary skill in the art would not have found it obvious to modify Rourke, et al. in the manner suggested in the Office Action, whether viewed alone or in any proper combination with the above-cited references.

In addition, the above-cited references were also cited in various combinations to reject dependent claims 2-4, 7-17, 19-21, 24-27, 29, 31-40, and 42-46. Applicants respectfully submit, however, that at least for the reasons indicated above relating to corresponding independent claims 1, 22, and 30, claims 2-4, 7-17, 19-21, 24-27, 29, 31-40, and 42-46 patentably define over the references cited. However, Applicants

also note that the patentability of dependent claims 2-4, 7-17, 19-21, 24-27, 29, 31-40, and 42-46 does not necessarily hinge on the patentability of independent claims 1, 22, and 30. In particular, some or all of these claims may possess features that are independently patentable, regardless of the patentability of claims 1, 22, and 30.

Thus, Applicants respectfully submit that the present claims patentably define over all of the prior art of record and satisfy all of the requirements of 35 U.S.C. §112. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Wells is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.



Jason W. Johnston
Registration No. 45,675

DORITY & MANNING, P.A.
P. O. Box 1449
Greenville, SC 29602-1449
Phone: (864) 271-1592
Facsimile: (864) 233-7342

Date: 9/4/02



APPENDIX A

1. (Twice Amended) An absorbent paper product for drying and conditioning the skin of a user, said paper product being selected from the group consisting of towels, wipes, and napkins, said paper product comprising:

a paper web; and

a water-soluble lotion composition applied to said paper web such that the add-on level of said lotion composition is between about 1% to about 10% by weight of said paper product, said lotion composition comprising:

i) water in an amount between about 10% to about 90% by weight of said lotion composition;

ii) a water-soluble skin conditioning component, said water-soluble skin conditioning component including glycerin in an amount between about 2% to about 15% by weight of said lotion composition; and

iii) a [viscosity modifier] viscosity-increasing component in an amount between about 2% to about 10% by weight of said lotion composition, said [viscosity modifier] viscosity-increasing including at least one surfactant [a surfactant that increases the viscosity of said lotion composition when incorporated therein; and]

[iv) an optional liquid-coupling component].

11. (Amended) A paper product as defined in claim 1, wherein said [viscosity modifier] viscosity-increasing component comprises between about 2% to about 5% by weight of said lotion composition.

12. (Amended) A paper product as defined in claim 1, wherein said surfactant of said [viscosity modifier] viscosity-increasing component includes PEG-80 glyceryl

cocoate, behentrimonium methosulfate and cetearyl alcohol, PEG-2000, sodium stearoyl lactylate, PEG-75 lanolin, talloweth-60-myristyl glycol, or combinations thereof.

13. (Amended) A paper product as defined in claim 1, [wherein said liquid-coupling component comprises] further comprising a surfactant that inhibits the lotion composition from separating into more than one liquid phase, said surfactant comprising between about 20% to about 40% by weight of said lotion composition.

22. (Twice Amended) An absorbent paper towel for drying and conditioning the skin of a user, said towel having a basis weight from about 10 to about 45 pounds per ream, said towel comprising:

a paper web; and

a water-soluble lotion composition applied to said paper web such that the add-on level of said lotion is between about 1% to about 10% by weight of said paper towel, said water-soluble lotion composition comprising:

i) water in an amount between about 10% to about 30% by weight of said lotion composition;

ii) a water-soluble skin-conditioning component in an amount between about 10% to about 40% by weight of said lotion composition, wherein said water-soluble skin-conditioning component includes glycerin in an amount [between about] between about 2% to about 15% by weight of said lotion composition; and

iii) a [viscosity modifier] viscosity-increasing component in an amount between about 2% to about 5% by weight of said lotion composition, said [viscosity modifier] viscosity-increasing component including a surfactant [that increases the viscosity of

said lotion composition when incorporated therein; and]

[iv) an optional liquid-coupling component, wherein said optional liquid-coupling component includes a surfactant].

30. (Twice Amended) A method for forming a paper towel for drying and conditioning the skin of a user, said method comprising:

forming a web from at least one furnish containing fibers and water;

through-drying said web to remove water therefrom; and

thereafter, treating said dried web with a water-soluble lotion composition such that said lotion has an add-on level of between about 1% to about 10% by weight of said paper towel, said water-soluble lotion composition comprising:

i) water in an amount between about 10% to about 90% by weight of said lotion composition;

ii) a water-soluble skin conditioning component, said water-soluble skin conditioning component including glycerin in an amount between about 2% to about 15% by weight of said lotion composition; and

iii) a [viscosity modifier] viscosity-increasing component in an amount between about 2% to about 10% by weight of said lotion composition, said [viscosity modifier] viscosity-increasing including a surfactant [that increases the viscosity of said lotion composition when incorporated therein; and]

[iv) an optional liquid-coupling component].

36. (Amended) A method as defined in claim 30, wherein said [viscosity modifier] viscosity-increasing component comprises between about 2% to about 5% by

weight of said lotion composition.

37. (Amended) A method as defined in claim 30, wherein said surfactant of said [viscosity modifier] viscosity-increasing component includes PEG-80 glyceryl cocoate, behentrimonium methosulfate and cetearyl alcohol, PEG-2000, sodium stearyl lactylate, PEG-75 lanolin, talloweth-60-myristyl glycol, or combinations thereof.

38. (Amended) A method as defined in claim 30, [wherein said liquid-coupling component comprises] further comprising a surfactant that inhibits the lotion composition from separating into more than one liquid phase, said surfactant comprising between about 20% to about 40% by weight of said lotion composition.

44. (Amended) A paper product as defined in claim 1, wherein said surfactant of said [viscosity modifier] viscosity-increasing component includes talloweth-60-myristyl glycol.

45. (Amended) A paper towel as defined in claim 22, wherein said surfactant of said [viscosity modifier] viscosity-increasing component includes talloweth-60-myristyl glycol.

46. (Amended) A method as defined in claim 30, wherein said surfactant of said [viscosity modifier] viscosity-increasing component includes talloweth-60-myristyl glycol.